

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE ENROLLED ACT No. 1576

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AN ACT concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 12-7-2-180.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 180.2. "Special needs foster family home"**, for purposes of IC 12-17.4, means a foster family home:

- (1) that provides care for a child who:
  - (A) has a mental, physical, or emotional disability; and
  - (B) will require additional supervision or assistance in behavior management, activities of daily living, or management of medical problems; and
- (2) that meets the additional requirements under IC 12-17.4-4-1.7.

SECTION 2. IC 12-7-2-190.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 190.8. "Therapeutic foster family home"**, for purposes of IC 12-17.4, means a foster family home:

- (1) that provides care to a seriously emotionally disturbed or developmentally disabled child;
- (2) in which the child receives treatment in a family home through an integrated array of services supervised and supported by qualified program staff from:
  - (A) the office of the secretary of family and social services;

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- (B) a managed care provider that contracts with the division of mental health; or
- (C) a licensed child placing agency; and
- (3) that meets the additional requirements under IC 12-17.4-4-1.5.

SECTION 3. IC 12-17.2-3.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

**Chapter 3.1. Board for the Coordination of Child Care Regulation**

**Sec. 1. (a)** The board for the coordination of child care regulation is established. The board consists of the following members:

- (1) One (1) employee of the division to be designated by the director of the division.
- (2) One (1) employee of the state department of health to be designated by the commissioner of the state department of health.
- (3) The state fire marshal or the state fire marshal's designee.
- (4) Ten (10) members, not more than five (5) of whom may be from the same political party, to be appointed as follows:
  - (A) One (1) member with child development experience to represent the public.
  - (B) One (1) member to represent operators of foster family homes.
  - (C) Two (2) members to represent operators of child care homes.
  - (D) One (1) member to represent operators of child caring institutions.
  - (E) One (1) member to represent operators of group homes and child placing agencies.
  - (F) One (1) member who is knowledgeable about the delivery of child care services to children and who is not an owner or operator of a facility, a ministry, or an agency that is licensed or registered under this chapter.
  - (G) Two (2) members to represent operators of child care centers.
  - (H) One (1) member to represent child care ministries.
- (5) Two (2) at large members appointed by the speaker of the house of representatives. The individuals appointed under this subdivision may not be members of the same political party.
- (6) Two (2) at large members appointed by the president pro



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tempore of the senate. The individuals appointed under this subdivision may not be members of the same political party.

(b) The president pro tempore of the senate shall appoint the board members listed under subsection (a)(4)(A), (a)(4)(B), and (a)(4)(D), and one (1) member each under subsection (a)(4)(C) and (a)(4)(G). The speaker of the house of representatives shall appoint the board members listed under subsection (a)(4)(E), (a)(4)(F), and (a)(4)(H), and one (1) member each under subsection (a)(4)(C) and (a)(4)(G). At least one (1) of the members appointed under this section must have knowledge or expertise, or both, in the area of children with special needs.

(c) The legislative council shall appoint the chairperson of the board from among the board members.

Sec. 2. The terms of the members expire November 1, 2001.

Sec. 3. The board shall elect necessary officers from among the board's members.

Sec. 4. The board shall meet upon the call of the chairperson.

Sec. 5. A majority of the members must be present for the transaction of business.

Sec. 6. The affirmative votes of a majority of the members of the board are required for the board to take action on any measure, including final reports.

Sec. 7. The board may appoint subcommittees of the board's members to receive public testimony, visit facilities, and make recommendations to the full committee.

Sec. 8. The legislative services agency shall provide the personnel necessary to staff the board.

Sec. 9. Each member of the board who is not a member of the general assembly is entitled to reimbursement for traveling and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency. Each member who is not a state employee is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

Sec. 10. Each member of the board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council. Payments made to a member of the general assembly under this section shall be paid from funds appropriated to the legislative council and the legislative services agency for this



purpose.

**Sec. 11.** The board shall study the laws governing the regulation of child care and make recommendations to the general assembly concerning changes in the law the board finds are appropriate. Before November 1 of each year, the board shall submit a written report to the legislative council that identifies the board's recommendations and discusses the status of the board's continuing program of study. The board's program of study under this section must include a study of the following topics:

- (1) The need for changes in the scope and degree of child care regulation established by statute or rule, or both.
- (2) The need to reorganize governmental units involved in the regulation of child care facilities to promote effective and efficient child care regulation, including the form that a needed reorganization should take.
- (3) A method for the completion of a statewide needs assessment to determine the availability and projected need for safe and affordable child care.
- (4) The need for programs to meet the needs of Indiana residents if the board determines that safe and affordable child care facilities are not available and easily accessible to Indiana residents.
- (5) The effect of pending and enacted federal legislation on child care in Indiana and the need for statutory changes to qualify for federal child care grants and to comply with federal child care requirements.

**Sec. 12.** This chapter expires November 1, 2001.

SECTION 4. IC 12-17.4-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 1.5.** (a) A person may not operate a therapeutic foster family home without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a therapeutic foster family home without a license issued under this article.

(c) The division may only issue a license for a therapeutic foster family home that meets:

- (1) all of the licensing requirements of a foster family home; and
- (2) the additional requirements described in this section.

(d) An applicant for a therapeutic foster family home license must do the following:

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**(1) Be licensed as a foster parent under 470 IAC 3-1-1 et seq.**

**(2) Participate in thirty (30) hours of pre-service training that includes:**

**(A) twenty (20) hours of pre-service training to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and**

**(B) ten (10) hours of additional pre-service training in therapeutic foster care.**

**(e) A person who is issued a license to operate a therapeutic foster family home shall, within one (1) year after meeting the training requirements of subsection (d)(2) and annually thereafter, participate in twenty (20) hours of training that includes:**

**(1) ten (10) hours of training as required in order to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and**

**(2) ten (10) hours of additional training in order to be licensed as a therapeutic foster parent under this chapter.**

**(f) An operator of a therapeutic foster family home may not provide supervision and care in a therapeutic foster family home to more than two (2) foster children at the same time, not including the children for whom the applicant or operator is a parent, stepparent, guardian, custodian, or other relative. The division may grant an exception to this subsection whenever the placement of siblings in the same therapeutic foster family home is desirable or in the best interests of the foster children residing in the home.**

**SECTION 5. IC 12-17.4-4-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.7. (a) A person may not operate a special needs foster family home without a license issued under this article.**

**(b) The state or a political subdivision of the state may not operate a special needs foster family home without a license issued under this article.**

**(c) The division may only issue a license for a special needs foster family home that meets:**

**(1) all of the licensing requirements of a foster family home; and**

**(2) the additional requirements described in this section.**

**(d) An applicant for a special needs foster family home license must be licensed as a foster parent under 470 IAC 3-1-1 et seq. that includes participating in twenty (20) hours of pre-service training.**

**(e) A person who is issued a license to operate a special needs foster family home shall, within one (1) year after meeting the training requirements of subsection (d) and annually thereafter,**

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participate in twenty (20) hours of training that includes:

- (1) ten (10) hours of training as required in order to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and
- (2) ten (10) hours of additional training that includes specialized training to meet the child's specific needs.

(f) An operator of a special needs foster family home may not provide supervision and care as a special needs foster family home if more than:

- (1) eight (8) individuals, each of whom either:
  - (A) is less than eighteen (18) years of age; or
  - (B) is at least eighteen (18) years of age and is receiving care and supervision under an order of a juvenile court; or
- (2) four (4) individuals less than six (6) years of age;

including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative, receive care and supervision in the home at the same time. Not more than four (4) of the eight (8) individuals described in subdivision (1) may be less than six (6) years of age. The division may grant an exception to this section whenever the division determines that the placement of siblings in the same special needs foster home is desirable.

(g) The division shall consider the specific needs of each special needs foster child whenever the division determines the appropriate number of children to place in the special needs foster home under subsection (f). The division may require a special needs foster family home to provide care and supervision to less than the maximum number of children allowed under subsection (f) upon consideration of the specific needs of a special needs foster child.

SECTION 6. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "division" refers to the division of family and children established by IC 12-13-1-1.

(b) As used in this SECTION, "special needs foster child" means a child who:

- (1) is placed in a foster family home by the division of family and children;
- (2) has a mental, a physical, or an emotional disability; and
- (3) will require additional supervision or assistance in behavior management, activities of daily living, or management of medical problems.

(c) As used in this SECTION, "therapeutic foster child" means a child who:

- (1) is placed in a foster family home by the division of family



and children;

(2) is seriously emotionally disturbed or developmentally disabled; and

(3) receives treatment in a foster family home through an integrated array of services supervised and supported by qualified program staff from:

(A) the office of the secretary of family and social services;

(B) a managed care provider that contracts with the division of mental health; or

(C) a licensed child placing agency.

(d) Except as provided in subsection (e), the division may not remove a special needs foster child or a therapeutic foster child from a foster family home in which the child is placed before July 1, 1999, because the foster family home does not meet the requirements for operating a:

(1) therapeutic foster family home under IC 12-17.4-4-1.5, as added by this act; or

(2) special needs foster family home under IC 12-17.4-4-1.7, as added by this act.

(e) The division may remove a special needs foster child or a therapeutic foster child from a foster family home in which the child is placed before July 1, 1999, because the foster family home does not meet the requirements described in subsection (d)(1) or (d)(2) if the division determines that remaining in the foster family home is not in the child's best interest.

SECTION 7. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "committee" refers to the Indiana youth development charter committee of the state human resources investment council established by this SECTION.

(b) As used in this SECTION, "youth" means an individual less than nineteen (19) years of age.

(c) The Indiana youth development charter committee of the state human resources investment council is established.

(d) The committee consists of the following members:

(1) Two (2) individuals appointed by the speaker of the house of representatives. The individuals appointed under this subdivision may not be members of the same political party.

(2) Two (2) individuals appointed by the president pro tempore of the senate. The individuals appointed under this subdivision may not be members of the same political party.

(3) Six (6) individuals appointed by the governor who are representatives of nonprofit organizations that:



(A) have a statewide presence; and

(B) provide:

(i) development;

(ii) prevention; or

(iii) intervention;

services to youths.

(4) Two (2) individuals who are members of the state human resources investment council representing business and industry, to be appointed by the chairperson of the state human resources investment council.

(5) Two (2) individuals who are members of the state human resources investment council representing labor, community organizations, and special populations, to be appointed by the chairperson of the state human resources investment council.

(6) Two (2) individuals who are members of the state human resources investment council representing education and local government, to be appointed by the chairperson of the state human resources investment council.

(7) Two (2) individuals who are youths appointed by the Indiana commission on community services and volunteerism established by executive order 97-11.

(8) One (1) individual who is a youth appointed by the Hoosier Boys' State board of directors of the American Legion.

(9) One (1) individual who is a youth appointed by the Hoosier Girls' State board of directors of the American Legion Auxiliary.

(10) One (1) individual appointed by the governor who is the parent of a school age child and who does not represent any of the organizations set forth in subdivision (3), (4), (5), or (6).

(11) Additional individuals as determined necessary by the committee's chairperson to complete the committee's work.

(12) The secretary of family and social services or the secretary's designee.

(13) The commissioner of the department of correction or the commissioner's designee.

The committee members described in subdivisions (11), (12), and (13) are nonvoting members of the committee. The appointing authority shall make the appointments required by this subsection before August 15, 1999. The appointing authority shall fill any vacancy in these positions within forty-five (45) days. If an appointed member is unable to fulfill the appointed member's commitment to the committee or when a vacancy occurs on the



committee for any reason, the appointing authority may appoint a qualified person to fill the remainder of the vacating member's unexpired term.

(e) The governor shall appoint a member of the committee to serve as chairperson of the committee. The member serves as chairperson at the pleasure of the governor.

(f) Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) Each member of the committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

(i) The state human resource investment council shall provide staff support to the committee in collaboration with the office of the secretary of family and social services and the divisions described in IC 12-7-2-69(a).

(j) The committee shall do the following:

- (1) Consider problems affecting youths and recommend solutions or approaches to the problems to state and local government officials.
- (2) Promote youth development activities that ensure that youths thrive and become competent, useful, and empowered and develop a sense of belonging.
- (3) Be diverse in representation.
- (4) Develop guidelines for the establishment of positive youth development programs based on a consideration of the following:

(A) Individual and community capacity for change.



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- (B) Community structures and resources that enhance supports of and opportunities for youth development.**
- (C) Barriers to access to supports and opportunities for youths.**
- (D) Outcomes of current youth development programs regarding youths as:**
  - (i) individuals; and**
  - (ii) members of their communities.**
- (5) Conduct an asset and needs assessment of current youth development programs, including governmental programs which promote positive youth development.**
- (6) Provide opportunities for youth involvement in the work performed by the committee.**
- (7) Review and make recommendations first to the state human resources investment council and then to the governor and legislative council regarding any unmet need for youth development programs.**
- (k) The committee shall meet at least eight (8) times each state fiscal year and more frequently as requested by an affirmative vote of a majority of the members appointed to the committee.**
- (l) The affirmative votes of a majority of the voting members of the committee are required for the committee to take action on any measure, including final reports.**
- (m) The committee may accept contributions to be used by the committee to carry out the duties required by this SECTION in accordance with IC 22-4-18.1-7.**
- (n) The committee shall submit an interim report first to the state human resources investment council and then to the governor and the legislative council before:**
  - (1) November 1, 1999; and**
  - (2) November 1, 2000.**
- (o) The committee shall submit its final report first to the state human resources investment council and then to the governor and the legislative council before November 1, 2001.**
- (p) This SECTION expires December 31, 2001.**

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